

**Alstate Process Service Inc.**

60 BURT DRIVE

DEER PARK, NEW YORK 11729

631/667-1800

UNITED STATES SOUTHERN DISTRICT COURT

COUNTY OF NEW YORK

INDEX NO.: 07 CIV 11273

**AMERICAN GUARANTEE AND LIABILITY INSURANCE  
COMPANY**

Plaintiff(s)

against

**ALAN P. ROSEFIELDE, ET AL**

Defendant(s)

**AFFIDAVIT  
OF  
SERVICE**

STATE OF NEW YORK, COUNTY OF SUFFOLK

ss.:

**HARRY TORRES**

being duly sworn, deposes and says: that deponent is not a party

to this action, is over 18 years of age and resides in **The State of New York**That on **01/07/08 8:00 PM** at **230 CENTRAL PARK S. 18C, NY NY 10019**deponent served the within **SUMMONS AND COMPLAINT, CIVIL COVER SHEET, AND RULE 7.1\*** bearing Index# **07 CIV 11273** & filing date **12/14/07****ALAN P. ROSEFIELDE**

defendant therein named,

INDIVIDUAL

☐

by delivering thereat a true copy of each to said defendant personally; deponent knew said person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

CORPORATION

☐

a \_\_\_\_\_, by delivering thereat a true copy of each to \_\_\_\_\_ personally; deponent knew said \_\_\_\_\_ so served to be the \_\_\_\_\_ described as the named defendant and knew said individual to be the \_\_\_\_\_ thereof an authorized person to accept service of process

SUITABLE  
AGE PERSON☒by delivering thereat a true copy of each to **JULIO COLON CONCIERGE** a person of suitable age and discretion. That person was also asked by deponent whether said premises was the defendant's dwelling house and the reply was affirmative.AFFIXING TO  
DOOR, ETC.☐

by affixing a true copy of each to the door of said premises, which is defendant's within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having verified defendant's \_\_\_\_\_ with \_\_\_\_\_ and having called there on

**YOUR DEPONENT WAS REFUSED ACCESS TO SAID PREMISES  
HI RISE BUILDING**

MAILING

☒**Mailed on 01/10/08 BY FIRST CLASS MAIL****MAILED IN AN ENVELOPE MARKED PERSONAL & CONFIDENTIAL**On **01/10/08** deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's dwelling house at **230 CENTRAL PARK S. 18C NY NY 10019** and deposited said wrapper in a post office of the United States Postal Service within New York State.

DESCRIPTION

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
<b>MALE</b>	<b>TAN</b>	<b>BLACK</b>	<b>30</b>	<b>5'9</b>	<b>300</b>

USE IN  
NYC CIVIL CT.☐Other identifying features: **\*STATEMENT**

The language required by NYCRR 2900.2(e), (f) &amp; (h) was set forth on the face of said summons(es).

MILITARY  
SERVICE☒

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply.

The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or Federal statutes.

SWORN TO BEFORE ME ON

**1/11/08****SUSAN R. RAMIREZ**  
Notary Public State of New York

No. 5002939

Qualified in Suffolk County

Commission Expires Oct. 13, 2010

**HARRY TORRES**LICENSE NO. **915257**

UNITED STATES SOUTHERN DISTRICT COURT  
COUNTY OF NEW YORK

CASE # 11091-32418  
Date Received: 12/18/07

AMERICAN GUARANTEE AND LIABILITY INSURANCE  
COMPANY

INDEX # 07 CIV 11273

PLAINTIFF(S)

AFFIDAVIT OF INVESTIGATOR

against  
ALAN P. ROSEFIELDE, ET AL

DEFENDANT(S)

STATE OF NEW YORK  
COUNTY OF SUFFOLK

ss:

JOAN C LATEGANO BEING DULY SWORN, DEPOSES AND SAYS:,  
I AM OVER 18 YEARS OF AGE, I RESIDE IN THE STATE OF NEW YORK,  
AND I AM NOT A PARTY TO THIS ACTION

I HAVE BEEN REQUESTED BY STEINBERG & CAVALIERE, LLP  
ATTORNEY(S) FOR THE PLAINTIFF(S) TO MAKE AN INVESTIGATION TO  
ASCERTAIN IF THE DEFENDANT(S) ALAN P. ROSEFIELDE  
IS AT THE PRESENT TIME IN THE MILITARY SERVICE.

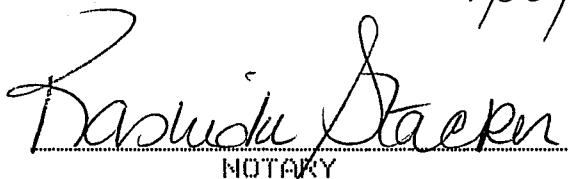
ON 01/22/08, YOUR DEPONENT MADE A REQUEST TO THE DEPARTMENT OF DEFENSE  
MANPOWER DATA CENTER. THE DEFENSE MANPOWER DATA CENTER IS AN ORGANIZATION  
OF THE DEPARTMENT OF DEFENSE THAT MAINTAINS THE DEFENSE ENROLLMENT AND  
ELIGIBILITY REPORTING SYSTEMS DATABASE.

YOUR DEPONENT RECEIVED A RESPONSE ON SAID DEFENDANT STATING THAT THE DEFENDANT,  
ALAN P. ROSEFIELDE, IS NOT ON ACTIVE MILITARY DUTY  
OF THE UNITED STATES OR THE STATE OF NEW YORK; HAS NOT BEEN ORDERED TO  
REPORT FOR INDUCTION UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940,  
AS AMENDED; HAS NOT BEEN ORDERED TO REPORT FOR MILITARY SERVICE AS A MEMBER  
OF THE ENLISTED RESERVE CORPS; AND IS NOT RECEIVING ANY TRAINING OR  
EDUCATION UNDER THE SUPERVISION OF THE UNITED STATES PRELIMINARY TO  
INDUCTION. (SEE ATTACHED)

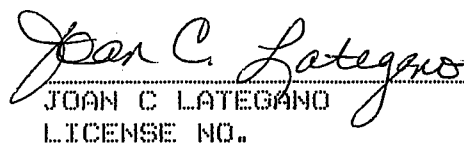
FROM THE FACTS ABOVE SET FORTH, I AM CONVINCED THAT THE SAID DEFENDANT IS NOT  
ON ACTIVE MILITARY DUTY AT THE PRESENT TIME.

SWORN TO BEFORE ME ON

1/22/08

  
NOTARY

RASHIDA STACKER  
NOTARY PUBLIC, State of New York  
No. 01ST8143952  
Qualified in Suffolk County 10  
Commission Expires April 24, 20

  
JOAN C LATEGANO  
LICENSE NO.

Department of Defense Manpower Data Center

JAN-22-2008 12:00:24



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
ROSEFIELDE	alan p	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenseink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BMUBCZUCGPT**